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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,042	07/25/2001	Kevin G. Currans	10003388-1	7403

7590 06/23/2005

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EXAMINER

CHANKONG, DOHM

ART UNIT	PAPER NUMBER
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2152

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/916,042

Applicant(s)

CURRANS ET AL.

Examiner

Dohm Chankong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2005.
2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

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DETAILED ACTION

1> This action is in response to Applicant's amendment and remarks. Claims 1-20 are presented for examination.

2> This action is a final rejection.

Response to Arguments

3> Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection necessitated by Applicant's amendment that altered the scope of the claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4> Claims 1-4, 9, 10-14 and 19 are rejected under 35 U.S.C § 102(b) as being unpatentable over Gerace, U.S Patent No. 5,848,396.

5> As to claim 1, Gerace discloses a method for obtaining content for publication, the method comprising the following steps:

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storing publishable content within at least one content server, each item of the publishable content including specific criteria pertaining to publication of the item [column 4 «lines 44-47»];

generating, by a publishing system, a request for publishing content, the request for publishing content including requested criteria for the requested publishing content [Figure 1 «items 25a, 25b» | column 5 «lines 8-25»];

sending, by the publishing system to a service location system, the request for publishing content [Figure 1 «items 21A, 21B, 21C» | column 4 «lines 50-55» | column 5 «lines 8-53» where : Gerace's servers 21A, 21B, 21C are equivalent to a service location system];

using, by the service location system, the requested criteria for the requested publishing content to obtain from the at least one content server, first publishing content that satisfies the requested criteria, each of the at least one content server utilizing the specific criteria pertaining to publication of each item to determine which publishable content to send to the service location system [Figure 1 «items 11a, 13a, 15a, etc» | column 4 «lines 33-47» | column 5 «lines 15-25» | claims 1 and 5 where : Gerace's user profile (specific criteria) specifies the content item to be retrieved from the database and published for display to the user]; and

returning from the service location system to the publishing system the first publishing content [column 5 «lines 15-25»].

6> As to claim 2, Gerace discloses a method of claim 1 wherein in step (a) the publishable content contains one of the following:

print advertisements, recipes, music lyrics, radio spot advertisements, and audio-

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visual advertisements [column 1 «lines 15-29» | column 2 «lines 63-66»].

7> As to claim 3, Gerace discloses the method of claim 1 wherein in step (a) the at least one content server includes a plurality of content servers arranged in a hub network configuration [Figure 1 «items 19a, 19b, 19c» see the processors arranged in hub fashion, the processors representing the computers where the information is stored].

8> As to claim 4, Gerace discloses the method of claim 1 wherein in step (a) the at least content server includes a plurality of content servers arranged in a hierarchical network configuration [Figure 1 «items 21a, 21b, 21c» where : Gerace's server 25a sends the request on to service location system 21A (or 21b, 21c) which passes the request on to content servers 11a (or 11b, 11c, 13a, etc) thus forming a hierarchical configuration].

9> As to claim 9, Gerace discloses the method of claim 5 wherein in step (a): the publishable content contains advertisements [column 2 «lines 63-66»], and,

the specific criteria includes at least one of the following:

a profile of a targeted audience, print quality of the content, and acceptable cost of impressions [column 2 «lines 43-53» | column 5 «lines 20-25»].

10> As to claims 10 and 11, as they do not teach or further define over the previously claimed limitations, they are similarly rejected for the reasons set for claim 1, *supra*.

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11> As to claims 12-14 and 19, as they do not teach or further define over the claimed limitations, they are similarly rejected for the reasons set forth for claims 2-4 and 19 respectively.

12> Claims 1-2, 9-12 and 19 are rejected under 35 U.S.C 102(e) as being anticipated by Kurtzman, II et al, U.S Patent No. 6,144,944 ["Kurtzman"].

13> As to claim 1, Kurtzman discloses a method for obtaining content for publication, the method comprising the following steps:

storing publishable content within at least one content server, each item of the publishable content including specific criteria pertaining to publication of the item [Figure 1 «items, 180, 190» | column 4 «lines 32-37»];

generating, by a publishing system, a request for publishing content, the request for publishing content including requested criteria for the requested publishing content [Figure 1 «item 160» | column 2 «lines 25-30» | column 6 «lines 22-24»];

sending, by the publishing system to a service location system, the request for publishing content [Figure 1 «item 100» | column 2 «lines 25-30»];

using, by the service location system, the requested criteria for the requested publishing content to obtain from the at least one content server, first publishing content that satisfies the requested criteria, each of the at least one content server utilizing the specific criteria pertaining to publication of each item to determine which publishable content to send

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to the service location system [Figure 1 | column 3 «line 57» to column 4 «line 4» | column 5 «lines 22-30»]; and

returning from the service location system to the publishing system the first publishing content [column 2 «lines 48-52»].

14> As to claim 2, Kurtzman discloses a method of claim 1 wherein in step (a) the publishable content contains one of the following:

print advertisements, recipes, music lyrics, radio spot advertisements, and audio-visual advertisements [abstract].

15> As to claim 9, Kurtzman discloses the method of claim 5 wherein in step (a): the publishable content contains advertisements [abstract], and,

the specific criteria includes at least one of the following:

a profile of a targeted audience, print quality of the content, and acceptable cost of impressions [column 3 «line 65» to column 4 «line 4»].

16> As to claims 10 and 11, as they do not teach or further define over the previously claimed limitations, they are similarly rejected for the reasons set for claim 1, supra.

17> As to claims 12 and 19, as they do not teach or further define over the claimed limitations, they are similarly rejected for the reasons set forth for claims 2 and 19 respectively.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18> Claims 5-6, 8, 15-16, 18 and 20 are rejected under 35 U.S.C § 103(a) as being unpatentable over Gerace, in view of Barnett et al, U.S Patent Publication No. 2001/0001145 [“Barnett”].

19> As to claim 5, Gerace discloses content servers that store both content and advertisements related to such content [column 2 «lines 63-66» | column 7 «lines 28-35»] but does not explicitly disclose recipes. As mentioned in the previous office action, it is well known in the art that web content is inclusive of a wide variety of information such as stocks, news, sports, cooking, etc. For example, Barnett discloses publishable content including recipes [0056 : while Barnett discloses that the recipes are published as advertisements, one of ordinary skill in the art could easily implement the recipes as content akin to Gerace’s content]. It would have been obvious to one of ordinary skill in the art to incorporate Barnett’s use of recipes increase the functionality of Gerace’s advertisement system by enabling a wider variety of web content to be delivered to the end-user.

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20> As to claim 6, Gerace does not explicitly disclose a book depository server. However, as Gerace does disclose that a prospective supplier of content information includes book publishers [column 1 «lines 19-26»], it would have been obvious to one of ordinary skill in the art to have reasonably incorporated a book server into Gerace's system. One would have been motivated to provide such an implementation to provide agate information that is updated [see Gerace, column 1 «lines 20-22»].

21> As to claim 8, Gerace and Barnett disclose publishing content including recipes [see claim 5, supra]. Gerace further discloses publishing content including an advertisement related to the first published content [see for instance column 9 «lines 16-30» where Gerace discloses publishing advertisements related to the travel content]. Therefore it would have been obvious to one of ordinary skill in the art to modify Gerace to include recipes as his content to providing a wider variety of information to users would increase the functionality and profitability of his advertisement system.

22> As to claims 15-16 and 18, as they do not teach or further define over the claimed limitations of claims 5-6 and 18 respectively, they are similarly rejected for the reasons set forth above.

23> As to claim 20, Gerace does not explicitly disclose displaying publishing content on at least one of a PDA or a pager.

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24> Barnett discloses publishing content information on a remote (wireless) computer [Figure 8 where : PDAs and pagers are ubiquitous and well known in the art as remote computers]. It would have been obvious to one of ordinary skill in the art to incorporate Barnett's remote computer functionality into Gerace to enable users to access content information from a wider variety of devices. The benefits of implementing wireless functionality is very well known in the art.

25> Claims 7 and 17 are rejected under 35 U.S.C § 103(a) as being unpatentable over Gerace and Barnett, in further view of Banerjee et al, U.S Patent Publication, 2002|0147638 ["Banerjee"].

26> As to claims 7 and 17, Gerace and Barnett disclose publishing content including recipes [see rejection of claim 5], but do not explicitly disclose the content including a reference to a book that contains the first recipe.

27> Banerjee discloses publishing content such as advertisements for recipe books [0034]. It would have been obvious to one of ordinary skill in the art to modify Gerace's advertisement system to include advertisements for recipe books that are related to Gerace and Barnett's published recipes. One would have been motivated to provide such an implementation as Gerace suggests providing information related to a wide variety of books [column 1 «lines 20-23»].

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Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is (571)272-3942. The examiner can normally be reached on 8:30AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DC

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Dung C. Dinh
Primary Examiner